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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
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26272 7	7590 07/27/2005		EXAM	EXAMINER	
COWAN LIE	COWAN LIEBOWITZ & LATMAN P.C.			SHERR, CRISTINA O	
JOHN J TORRENTE 1133 AVE OF THE AMERICAS			ART UNIT	PAPER NUMBER	
-	1133 AVE OF THE AMERICAS				
NEW YORK, NY 10036			DATE MAILED: 07/27/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner						
## Examinar		Application No.	Applicant(s)			
Cristina Owen Sherr 3621		09/942,003	YAMAMOTO ET AL.			
— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensive of time may be available under the provisions of 37 CPR 1.13(a). In no event, however, may a reply be timely filed the SX (s) NoVITHS from the maling date of this communication. If No period for reply is specified above, the maximum districts and 37 CPR 1.13(a). In no event, however, may a reply be timely filed the SX (s) NoVITHS from the maling date of this communication. If No period reply is specified above, the maximum datatory paired will explain the statistical contents of the provision of the statistic paired will explain the maling date of this communication. Fallow to reply is specified above, the manima glade of the communication, event £ maling date of this communication. Fallow to specify within the early address the maling date of the communication, event £ maling date of this communication. Fallow to specify the provision of the communication of the communication of the communication. Provision of the communication of the communication of the communication and the communication of the communication. Provision of Claims Application of Claims Application of Claims Claim(s) is/are allowed. The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Note the altached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 10) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b Some *Coll None of. Certified copies of the prio	Office Action Summary	Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. □ Extraction of time may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled □ the period for reply specified abover, the maximum statutory parted will apply until will expire SIX (b) MON THS from the mailing date of this Communication of thiny (20) days will be considered timely. □ If NO period for reply is specified abover, the maximum statutory parted will apply until will expire SIX (b) MON THS from the mailing date of this communication of thiny (20) days will be considered timely. □ If NO period for reply is specified abover, the maximum statutory parted will apply until vit expire SIX (b) MON THS from the mailing date of this communication. □ If the period for reply is specified abover, the maximum statutory parted will apply until the specified date of this communication. □ If If the period is period to the mailing date of this communication, even if timely filled, may reduce any search application is period to the mailing date of this communication, even if timely filled, may reduce any search application is period to a search application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s)						
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1)⊠ Responsive to communication(s) filed on 31 March 2005. 2a)□ This action is FINAL. 2b)☑ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1-59 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) 1-59 is/are rejected. 7)□ Claim(s) 1-59 is/are rejected. 7)□ Claim(s) are subjected to. 8)□ Claim(s) are subjected to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1□ Certified copies of the priority documents have been received in Application No application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(e) 1: Notice of Draftsperson's Patent Drawing Review (PTO-948) and International Enternational Stage application from the International Steries (PTO-948) and Paper No(e)/Mail Date. Application (PTO-152)	THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory perio - Failure to reply within the set or extended period for reply will, by statt Any reply received by the Office later than three months after the mail	I. 1.136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days d will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-59 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5] Claim(s) is/are allowed. 6) Claim(s) 1-59 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(e) 1) Notice of Drattspersor's Patent Drawing Review (PTO-948) 3) Notice of Informal Patent Application (PTO-152)	Status					
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DETAILED ACTION

1. This communication is in response to the applicant's amendment filed March 31, 2005. Claims 1, 11, 21, 25, 37, 38, 39, 51, 52, 53, 57, 58 and 59 have been amended. Claims 1-59 are pending in this case.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on November 8, 2004, February 9, 2005 and February 28, 2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-59 have been considered but are most in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 1-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black (US 6,307,956B1).
- 6. Black discloses an identity verification system, method, and apparatus that employ biometric technology for identity verification (e.g. col 4 ln 18-28). The biometric properties employed include, but are not limited to DNA (e.g. col 4 ln 30-40). Said

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system, method and apparatus make a "match" or "no match" decision and issues and certify or do not certify the user. (e.g. col 4 ln 55-65). Further, Black discloses recording and storing the layout information as either digital or magnetic information (e.g. col 4 ln 20-30). Further, Black discloses the use of cell capture/analysis sensors for use in identifying DNA (e.g. col 7 ln 50-60).

- 7. Although Black does not specifically reference recording the DNA layout information by arranging probe layouts in row and column directions, it would be obvious to one of ordinary skill in the art that array of immobilized single-stranded DNA (ssDNA) could be arrayed as rows and columns or any other logical manner (e.g. col 25 ln 25-35).
- 8. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

 Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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10. Selinfreund (US 6,458,595) discloses automatic fingerprint methods and chemistry for product authentication and monitoring.

- 11. Black (US 6,539,101) discloses a method for identity verification.
- 12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.
- 13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
- 14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THE Saw I FRIMARY PATENT EXAMINER